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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10767601	1/28/04	LODA ET AL.	EH-11078 (05-535)

BACHMAN & LAPOINTE, P.C. (P&W)
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510-2802

EXAMINER

Dalena Tran

ART UNIT	PAPER
3661	20070902

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,601	01/28/2004	David C. Loda	EH-11078 (05-535)	5200
52237 7590 09/12/2007 BACHMAN & LAPOINTE, P.C. (P&W) 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510-2802			EXAMINER TRAN, DALENA	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,601	Applicant(s) LODA ET AL.	
	Examiner Dalena Tran	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 46-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 6/15/07. The rejection of obviousness-type double patenting in the last office action is withdrawn. Claims 1-12, and 46-47 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the electronic control box" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 46-47, are rejected under 35 U.S.C. 102(e) as being anticipated by Kauffman et al. (7050943).

As per claim 46, Kauffman et al. disclose controlling the engine (see columns 3-4, lines 33-24); and a microserver for generating a wireless system adapted to connect to the Internet (see columns 4-5, lines 33-49).

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As per claim 47, Kauffman et al. disclose the engine is a gas turbine engine (see columns 3-4, lines 33-24).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. (6853930) in view of Kauffman et al. (7050943).

As per claim 1, Hayashi et al. disclose a gas turbine engine, comprising: a compressor section; a combustion section downstream of the compressor section; a turbine section downstream of the combustion section; a casing surrounding the compressor sector, combustion section and turbine section (see columns 8-9, lines 63-40). Hayashi et al. do not disclose a microserver. However, Kauffman et al. disclose an electronic controller mounted to the casing, the electronic control box controlling and monitoring operation of the engine and having a microserver (see columns 4-5, lines 33-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Hayashi et al. by combining a microserver for monitoring operation of gas turbine engine.

As per claims 2, and 4, Kauffman et al. disclose the microserver resides on a card, and the microserver card generates a wireless system surrounding the engine and adapted to connect to the Internet (see columns 4-5, lines 33-49).

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As per claim 3, Kauffman et al. also disclose the microserver card hosts a web page, wherein the webpage has an IP address available for a plurality of Internet protocols (see columns 7-8, lines 42-63).

As per claim 5, Hayashi et al. do not disclose a microserver card. However, Kauffman et al. disclose the microserver card is communicably coupled to other cards within the electronic control box (see columns 10-11, lines 34-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Hayashi et al. by combining a microserver card for communicating turbine engine performance data in machine system.

As per claims 6, and 8, Kauffman et al. also disclose the microserver is communicably wirelessly coupled to sensors installed on the engine (see column 6, lines 1-25).

7. Claim 7, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. (6853930), and Kauffman et al. (7050943) as applied to claim 6 above, and further in view of Gotoh et al. (7065471).

As per claim 7, Hayashi et al. do not disclose the microserver is hard-wired to the sensors. However, Kauffman et al. disclose the microserver is hard-wired to the sensors (see the abstract; and columns 5-6, lines 58-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Hayashi et al. by combining the microserver is hard-wired to the sensors for diagnosing state of gas turbine engine.

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8. Claims 9-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. (6853930), and Kauffman et al. (7050943) as applied to claims 4, and 8 above, and further in view of Pierro (6324659).

As per claims 9-12, Hayashi et al., and Kauffman et al. do not disclose the microserver communicates by way of radio frequency identification tags, local area network, cellular network, and satellite. However, Pierro discloses the microserver communicates by way of radio frequency identification tags, local area network, cellular network, and satellite (see columns 4-5, lines 45-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Hayashi et al. by combining the microserver communicates by way of radio frequency identification tags, local area network, cellular network, and satellite for identifying critical faults in machines.

Remarks

9. Applicant's argument filed on 6/15/07 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Frantz et al. (6542856)

. Chow et al. (6804612)

. Gao et al. (7149632)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968.

The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner
Dalena Tran



September 02, 2007